

March 29, 2011

Mayor and City Council  
City of Roswell  
38 Hill Street  
Roswell, Georgia 30075

RE: Variance Application for Undisturbed Buffer (Steep Slope) Reduction and  
Front Setback Reduction  
Property: Land Lots 234 and 235 of the 1st District, 2nd Section  
Lot 4 of Robinwood Estates - Fulton County

Deferred Action from March 14, 2011 meeting

Dear Mayor and City Council:

After meeting with the City Engineer, Planning and Zoning, and the Public Works Environmental department we are requesting two variances on Lot 4 (the "Lot") located in Robinwood Estates on behalf of RBC Bank (USA), the owner of the Lot. Two variances are needed in order to construct a marketable single family detached residence on the Lot and if the variances are approved should be binding upon the Lot and become part of the zoning conditions for the Lot.

A joint meeting between the aforementioned departments was held on March 28, 2011, with the following attendees:

Danelle Volpe, Public Works / Environmental  
Jean Rearick, City Engineer  
Brad Townsend, Planning and Zoning  
Jackie Deibel, Planning and Zoning  
Mike Adams, Magnolia Homes of Georgia

The following variance requests were agreed upon by mutual consent by all parties:

1. Reduction of Front Setback from 30 feet to 25 feet
2. Remove the "additional" steep slope buffer and replace it with a 70 foot undisturbed stream buffer as measured from the top of stream bank. A 5 foot wide impervious setback will remain at the 75 foot mark from top of stream bank to allow for installation of erosion control measures and access.

The above variance requests were agreed upon as a result of the following considerations:

- Front Setback reduction by 5 feet will minimize construction impact on the stream at the rear of the Lot.
- Robinwood Estates HOA and ACC have agreed for construction of a home on Lot 4 with a two-car garage side-entry instead of a three-car garage.
- The City Engineer who originally approved the subdivision plat is no longer with the City.

- Approval of the variances will allow construction of a home substantially compatible with others in the subdivision.
- A Permanent Access Easement on right side of Lot 4 (colored pink in attached) was granted on April 20, 2008 by the original developer prohibits construction of any permanent improvements within 15' of property line and therefore limits positioning of home on the Lot.
- Approval of variance will *"will not impair the quality, vitality and stability of the protection area and will not destroy more than a minimum amount of the riparian cover within the parcel"* Roswell Code of Ordinances, Section 7.3.4, C-17(1) (b).
- Approval of variance should be granted because *"exceptional circumstances exist such that a strict adherence to the provisions of this article would result in unnecessary hardship and/or would not further the intent of the article"* Roswell Code of Ordinances, Section 7.3.4, C-17(1) (e).
- If the variances are not approved, a single family home on Lot 4 will not be constructed leaving only one remaining buildable lot in the subdivision. Finding a willing buyer for one lot in subdivision of only six lots (where one lot will remain vacant - Lot 4) adds unexpected hardship to the subdivision in their attempt to finish out the development.
- As currently platted, Lot 4 would only support a house size of approximately 2,500 square with a front entry 2-car garage. Compared to the existing homes in the subdivision which are over 4,000 square feet with 3-car side entry garages.
- The final constructed house footprint and building will be approximately 85 feet away from the stream at the rear of the Lot.

We were not the original developer and are seeking to purchase the Lot from RBC Bank pending approval of the variances.

Thank you for your consideration of the above variance requests.

Kind Regards,



F. Michael Adams  
CEO and President  
Magnolia Homes of Georgia

Enclosures (3)  
cc: RBC Bank (USA)